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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

VEADA REED, Plaintiff and Respondent, v. GRACE WILSON, Defendant and Appellant.	D070699 (Super. Ct. No. 37-2015-00037958-CU-HR-CTL)

APPEAL from a judgment of the Superior Court of San Diego County, Tamila E. Ipema, Judge. Affirmed.

Grace Wilson, in pro. per., for Grace Wilson, Defendant and Appellant.

Law Offices of Gregory J. Cobb and Gregory J. Cobb for Plaintiff and Respondent.

Grace Wilson appeals a judgment entered after the trial court issued a civil harassment restraining order against her and awarded $1,500 in statutory prevailing party attorney fees to Veada Reed. Wilson contends the trial court erred by issuing the restraining order because (1) she did not get a fair hearing; (2) insufficient evidence

supports the order; and (3) she fulfilled the terms of an offer the trial court made—that if she attended a court-approved anger management course within six months, the court would dismiss the case. These contentions fail, largely because Wilson—a licensed California attorney whom the trial court considered "very intelligent"—did not provide an appellate record sufficient to show error.

Wilson also contends the trial court erred by awarding attorney fees because Reed was represented by her "common law husband," who had an interest in the outcome of the litigation and thus, presumably, could not form the basis of an attorney fees request. This contention fails, too.

We affirm.

FACTUAL AND PROCEDURAL SUMMARY

Reed's Petition

On November 13, 2015, Reed filed a petition under Code of Civil Procedure section 527.6[1] seeking a civil harassment restraining order against Wilson.[2] Reed was represented by Gregory Cobb. Reed and Cobb are not married, but they live together and

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1 Undesignated statutory references are to the Code of Civil Procedure.

2 Wilson did not initially request this petition be included in the record on appeal; however, we granted her augmentation request in part to include the petition, as well as certain other documents. However, the petition contained in Wilson's augmentation request did not include the attachments filed with it in the lower court. Because they provide helpful (though not dispositive) context, we take judicial notice of these attachments on our own motion. (Evid. Code, §§ 452, subd. (d), 459, subd. (d).)

have two children together (a 16-year-old son and a 12-year-old daughter). The petition sought to protect Reed and her two children, but not Cobb.

Reed largely based her petition on a November 8, 2015 incident involving her and Wilson. Reed explained the "backstory" in the attachments to her petition. Her daughter and Wilson's twin daughters had played together on the same softball team. Since June 2014, when the girls were about 10 years old, Wilson had been accusing Reed of "saying mean things about her daughters to another parent."[3] Reed denied the accusations and claimed they had been "reviewed, investigated, and dismissed by the [softball league's] Board of Directors at least twice."

Reed's petition complained of three e-mails Wilson sent in the buildup to the November 8 incident. On June 13, 2014, Wilson replied to a team-wide e-mail. She addressed a portion of the e-mail to Reed to tell her the Wilson girls were quitting the team because Reed was "a BITCH." In the "rest of the e-mail [intended] for the other parents," Wilson stated: "based on [Reed]'s arrogance in trying to pick a fight with me *I do not feel it is a good idea for me to be near her in front of the kids*." (Italics added.) Reed considered this a physical threat directed at her.

About six months later (December 7, 2014), Wilson replied to a league e-mail addressed to about 225 community members. Wilson's reply-all message asked to be removed from the league's distribution list because "Reed made [Wilson's] daughters quit

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3 One of Wilson's daughters played shortstop. Wilson accused Reed of saying to another parent that the team needed a " 'shortstop that doesn't throw rainbows,' " which Reed defined as "slow, arching, often inaccurate throws to first base after fielding the ball in the infield."

softball" by "bad mouth[ing]" one "daughter's playing ability to a coach when the girls were within hearing range because [Reed] was jealous that [Wilson's] daughter was playing shortstop, calling her weak, slow, not bright, etc." Wilson's e-mail also accused Reed of "tr[ying] to pick a fight with" her.

About nine months later (September 15, 2015), Wilson replied-all to an e-mail addressed to the softball league's board of directors. She explained she had "plenty of information that [she] could have bad mouthed people in the league for," but she just wanted the league to remove her from its distribution list and for "everyone associated with [the] organization [to] leave [her] family alone." Wilson gave examples of the kind of information she could have spread. Of Reed's son, Wilson wrote: "Should I go around making fun of [him] because he soiled his pants in the 7th grade and remained in class despite everyone being able to smell it?" Wilson also accused Reed's "husband [Cobb] [of] looking up and sharing divorce records of people he does not like which includes questions of paternity . . . , another ex board member's drug use, extra marital affairs etc."

As for the November 8, 2015 incident, Reed explained in a declaration attached to her petition that her daughter (then 12 years old) had just finished a softball game and she and Reed were standing in the athletic center parking lot with another player and two adults. Wilson, who was parked near the group, got out of her car and approached Reed "quickly with her eyes ablaze with menace." Wilson "was holding a big cup of Starbucks out in front of her, and her eyes were wild." She seemed "agitated," and "appeared to be irate." Wilson said "forcefully," " 'My girls are over there on the field. You can say

something to them there if you want.' " "[U]sing a very controlled and peaceful tone," Reed asked, " 'What did I do?' "

In response to Reed's "simple question," Wilson "stomped around in semi-circles in a highly agitated state almost like a boxer or a cage fighter, and repeated 'You know what you did' . . . at least three times." With her eyes "extremely wide" and "agitated," Wilson "stopped to face [Reed] off no more than about four . . . feet away in a fighter's stance several times." Reed believed Wilson "intended [her] to think (or know) that she intended to batter [her] right then and there." One of the other adults tried to intervene. Wilson responded to her, "I don't even know you! Who the fuck are you?" (Bold font omitted.) "[S]he had spittle flying out of her mouth in a pitched state of rage." Wilson "then turned very menacingly toward [Reed] and said[,] 'You should be ashamed of yourself for what you did, you bitch!' " This scared Reed and her daughter, and caused others nearby to turn and look. Wilson "then shouted, 'You called my daughters names! You know what you did!' "

Reed was "alarmed," "scared," and thought Wilson "was going to physically attack" her. Wilson's June 2014 e-mail (about it not being a good idea for her to be near Reed in front of the children) "was in the forefront" of Reed's mind. One of the other adults "physically interposed herself between" Reed and Wilson. After about five minutes, Reed said, " 'I think I need to call 911.' " The other softball player "said, abruptly, 'So do I.' " As the player took her phone out of her pocket, Wilson walked away and stood alone by the bleachers. Neither Reed nor the player called 911. The adults comforted their daughters, then packed up and left.

Less than one week later (November 13), Reed filed the petition and was assigned a hearing date of December 2. The trial court (Hon. Frederick A. Mandabach) denied Reed's ex parte request for relief in the interim.

The December 2 Hearing

When the hearing on Reed's petition began on the morning of December 2, Reed was represented by Cobb, and Wilson was represented by her husband, Bruce Wilson (Bruce). According to the court's minute order, after the court (Hon. Tamila E. Ipema) "inform[ed] the parties that [the] matter [was] not being reported by a court reporter or recorded electronically," Bruce "request[ed] a continuance to allow time to hire [a] court reporter." Reed objected. The court denied the request, explaining: "Parties brought [seven] witnesses and Counsel are aware of the Court's budget and that court reporters are no longer in civil departments since 2013." Consequently, the morning session was not reported; it is documented only by the court's minute order.

The court then heard testimony from Reed's witnesses (herself and two others) and Wilson's witnesses (herself and two others). The e-mails noted above were marked for identification.

The minute order then reflects the following clerk's note: "[Wilson] requests to represent herself in Prop[r]ia Persona. Attorney Bruce Wilson withdrawls [*sic*] as counsel." (Italics omitted.)

The court recessed, and resumed in the afternoon. The afternoon session was reported by a court reporter.

Wilson testified again. She said she saw no need to apologize for the e-mails she sent and denied harassing Reed. However, she acknowledged she had "verbal" but "not physical anger management issues." One of Wilson's daughters also testified and generally contradicted Reed's account of the November 8 incident. The court remarked that both Wilson's and her daughter's testimony were contradicted by credible witnesses who had testified during the morning session.

The court made Wilson "an offer": "If you agree to go to a 12-session anger management class, get a certificate that you have completed a 12-hour anger management, what I will do, I will continue the temporary restraining order for six months to allow you to complete that course. Once you complete that course, you bring the certificate here. I will dismiss the case against you." Otherwise, the court stated, it would issue a permanent injunction.

Wilson asked the court to clarify the basis on which it would issue a restraining order. The court explained that Wilson "harassed [Reed]'s child" and her behavior was escalating, "could amount to a credible threat of violence," and served "no legitimate purpose." Wilson asked the court, "if I take the lesser [offer], is it appealable?" The court responded, "Anything that we do is appealable, yes."[4] Wilson responded, "Then I guess I have to accept it. I have no choice."

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4 Based on this exchange, we decline Reed's invitation to treat Wilson's appeal as being from a nonappealable consent judgment. (See *Norgart v. Upjohn Co*. (1999) 21 Cal.4th 383, 399-400 ["the 'rule' that a 'party may not appeal a consent judgment' " is not jurisdictional]; *Water Replenishment Dist. of Southern California v. City of Cerritos* (2012) 202 Cal.App.4th 1063, 1069.)

The court issued a temporary restraining order, ordered that Wilson attend a court-approved anger management course, and set a review hearing for about six months later (June 6).

Reed's Attorney Fee Motion

About one month before the review hearing, Reed filed a motion seeking approximately $14,000 in attorney fees under the civil harassment restraining order statute. Cobb submitted a declaration establishing his hourly billing rate and the number of hours billed per task. Wilson did not oppose the motion. The court set the hearing on the motion to coincide with the review hearing.

The Review Hearings[5]

At the June 6 review hearing, Wilson submitted a certificate of completion for an online anger management course. Reed objected that it was not issued by a court-approved provider. The court continued the matter by about a week to give Wilson time to make a showing in this regard.

At the continued hearing, Wilson provided information about her anger management course. Reed objected that Wilson still had not proven her course was court-approved. The court took the matter under submission and continued the hearing a few days to allow the court's "legal staff to research and review the certification for Court approval."

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5 None of the review hearings were reported. We therefore base our summary on the clerk's minute orders.

At a June 17 continued hearing, the court found Wilson had not satisfied the anger management condition because she had (1) taken an online course instead of an in-person one, and (2) not shown that the online provider was court-approved. Based on this finding and the court's further finding that Reed "met the high burden of proof that is required," the court issued a one-year restraining order against Wilson.

Turning to Reed's attorney fees motion, the court exercised its discretion to grant Reed's "unopposed motion for attorney[] fees, but reduce[d] the amount to $1,500.00," which the court considered reasonable "for this type of case[]." The court entered a judgment against Wilson in the modified amount.

Wilson appeals.

DISCUSSION

I. *Appellate Principles*

An appeal is not a second hearing or trial. The role of an appellate court is to determine whether any error occurred, and if so, whether that error was prejudicial to the appellant. In doing so, we defer to the factfinder's credibility determinations and do not reweigh evidence. (*Foust v. San Jose Construction Co., Inc.* (2011) 198 Cal.App.4th 181, 188 (*Foust*).)

" 'It is the duty of an appellant to provide an adequate record to the court establishing error.' " (*Hotels Nevada, LLC v. L.A. Pacific Center, Inc*. (2012) 203 Cal.App.4th 336, 348.) In the case of an appellant's challenge to a trial court's factual findings following a bench trial, the record ordinarily must include either a reporter's transcript, or an agreed or settled statement. (*Foust, supra*, 198 Cal.App.4th at p. 187.)

"Where no reporter's transcript has been provided and no error is apparent on the face of the existing appellate record, the judgment must be *conclusively presumed correct* as to *all evidentiary matters.* To put it another way, it is presumed that the unreported trial testimony would demonstrate the absence of error." (*Estate of Fain* (1999) 75 Cal.App.4th 973, 992; *Wysinger v. Automobile Club of Southern California* (2007) 157 Cal.App.4th 413, 429 (*Wysinger*) ["Where the record is silent we must presume the court correctly ruled based on what occurred in the unreported proceedings."].)

These rules of appellate procedure apply whether an appellant is represented by counsel or is self-represented. (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1247; *Bianco v. California Highway Patrol* (1994) 24 Cal.App.4th 1113, 1125-1126.)

II. *Wilson Received a Fair Hearing*

Wilson contends the trial court deprived her of a fair hearing by denying her request for a continuance and by limiting her ability to call and examine witnesses. Neither ground has merit.

A. *No Error in Denying Continuance*

Unless a specific continuance statute applies and imposes a different standard, trial courts "have broad discretion in deciding whether to grant a request for a continuance." (*Freeman v. Sullivant* (2011) 192 Cal.App.4th 523, 527.) As of the December 2, 2015 hearing on Reed's petition, the civil harassment restraining order statute did not specifically address continuances. (Stats. 2013, ch. 158 (A.B.499), § 2, operative July 1,

2014; *Freeman*, at pp. 528-529.)[6] Thus, we review the trial court's denial of Wilson's continuance request for an abuse of discretion. We find no abuse.

According to the court's December 2 minute order, Wilson requested a continuance during the morning session "to allow time to hire [a] court reporter."[7] The court denied the request because seven witnesses were present and because the court found that "Counsel are aware of the Court's budget and that court reporters are no longer in civil departments since 2013." We defer to the trial court's factual finding that attorneys who practice before that court are (or should be) aware of the court's years-old policy stating court reporters are generally not provided in civil matters.[8] We find the court's stated reasons neither arbitrary nor capricious.

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6 The statute has since been amended to provide that "[e]ither party may request a continuance of the hearing, which the court shall grant on a showing of good cause." (Stats. 2015, ch. 401 (A.B.494), § 1, eff. Jan. 1, 2016; Stats. 2015, ch. 411 (A.B.1081), § 1.5, eff. Jan. 1, 2016; § 527.6, subd. (p)(1).) Wilson acknowledges this provision was not in effect when she requested a continuance.

7 On appeal, Wilson contends the minute order is inaccurate because it omits two additional grounds on which she based her continuance request: (1) her inability to subpoena witnesses because they were out of town for the Thanksgiving holiday; and (2) the fact that the morning session allegedly started late, which caused it to carry over into the afternoon when Bruce was unavailable due to a medical appointment he could not reschedule. Without a reporter's transcript, we are unable to evaluate the merits of this claim. Moreover, "[i]f in fact the minute order did not state the true facts the burden was upon [Wilson] to take steps to correct the same" in the trial court. (*Johns v. Johns* (1959) 171 Cal.App.2d 353, 355 (*Johns*); see *Christina v. R.Z. Adams Co*. (1936) 16 Cal.App.2d 139, 140 (*Christina*).) Because Wilson did not do so, we do not address her claimed additional bases.

8 The policy is posted on the court's website. (See *Jameson v. Desta* (2015) 241 Cal.App.4th 491, 503 ["San Diego Superior Court policy provides that 'Official court reporters are *not* normally available in civil . . . matters"], rev. granted on another ground,

In a related argument, Wilson asserts the denial of her request for a continuance deprived her of due process because it "forced" her counsel (Bruce) to withdraw, leaving her to appear in propria persona. The minute order contradicts this assertion. It states Wilson "request[ed] to represent herself . . . ." (Italics omitted.) Her claim that the minute order "does not reflect what truly transpired" fails because she neither provided a reporter's transcript for the morning session nor sought to correct the record in the trial court. (See *Johns, supra*, 171 Cal.App.2d at p. 355; *Christina, supra*, 16 Cal.App.2d at p. 140.)

Wilson has not shown that the trial court abused its discretion by denying her request for a continuance.

B. *Wilson Has Not Shown She Was Deprived of the Opportunity to Examine Witnesses*

Wilson contends the trial court denied her due process by not allowing her to call a particular witness or "cross examine" Cobb. The record is insufficient to show this error.

Wilson first claims the trial court erred by denying her right to examine Matt Van Houten, whom she asserts "was the only adult other than Reed and [Wilson], available

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Jan. 27, 2016, S230899; see <http://www.sdcourt.ca.gov/portal/pageid=55,1839949&_dad=portal&_schema=PORTAL> [as of June 5 2017].) The trial court's "Frequently Asked Questions" about the policy further provides: "Q. What if I can't arrange for a court reporter to report my hearing? [¶] A: "Parties are expected to make arrangements for court reporters *in advance* of their hearings. Whether the parties will be allowed to continue a hearing in order to secure the appearance of a court reporter will be at the discretion of the judicial officer presiding over the matter." (San Diego Superior Court Official Reporters Pro Tempore – Frequently Asked Questions, available at <http://www.sdcourt.ca.gov/pls/portal/docs/PAGE/SDCOURT/GENERALINFORMATION/RESOURCELISTS/COURTREPORTERINFORMATION/FAQS%20RE%20PRO%20TEM%20CRS%20FOR%20WEBSITE%20102312.PDF> [as of June 5, 2017].)

and ready to testify regarding" Reed's alleged bad-mouthing of Wilson's daughter. We granted Wilson's request to augment the record to include a trial subpoena compelling Van Houten's attendance at the December 2 hearing. However, *that is the only reference to Van Houten in the appellate record*. He is not identified in the court's December 2 minute order.[9] Nor is he mentioned anywhere in the reporter's transcript of the afternoon session. Absent such references, we must reject Wilson's assertions that the trial court erred in its treatment of this witness. (See *Wysinger, supra*, 157 Cal.App.4th at p. 429.)

Next, Wilson claims the trial court erred by denying her request to cross-examine Cobb. She claims this was necessary to address his "repeated[] in[ter]jections of personal accusations against" Wilson during the hearing. However, Cobb was present as an attorney, not as a witness (even though Wilson subpoenaed him). Thus, his commentary was merely *argument* (*Gdowski v. Gdowski* (2009) 175 Cal.App.4th 128, 139)—there was no relevant *evidence* on which to cross-examine him.

Wilson argues she was also entitled to cross-examine Cobb regarding "six pages of his personal notes on [Wilson]'s alleged 'threatening' behavior" that Cobb supposedly "submitted . . . in support of Reed's request for a restraining order." Wilson maintains that her alleged conduct described in those notes is so "egregious" that "it is inconceivable that the court did not take [them] into consideration" in ruling on the

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9 Again, Wilson's claim that the minute order is inaccurate in this regard fails because she neither provided a reporter's transcript for the morning session nor sought to correct the record in the trial court. (See *Johns, supra*, 171 Cal.App.2d at p. 355; *Christina, supra*, 16 Cal.App.2d at p. 140.)

petition. We are not persuaded. First, the notes are not in the appellate record. Second, Wilson has not shown that the trial court ever saw the notes—they were not attached to Reed's petition (a fact she conceded at the hearing), and they are not mentioned in the court's December 2 minute order. There are two oblique references to them in the reporter's transcript of the afternoon session, but neither describes their content in any detail or otherwise indicates the court saw or considered them.[10] In light of Wilson's failure to provide a record sufficient to show error, we find no abuse of discretion in the trial court's decision not to allow Wilson to cross-examine Cobb.

III. *Substantial Evidence of Harassment*

Wilson challenges the sufficiency of the evidence supporting the trial court's finding that Reed satisfied the statutory requirements for obtaining a civil harassment restraining order.

A person who has suffered harassment may obtain an order prohibiting harassment. (§ 527.6, subd. (a)(1).) Harassment is defined as "unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner." (§ 527.6, subd. (b)(3).) If the court "finds by clear

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10 To the contrary, in response to one of the references, Cobb objected that "[t]hose statements aren't in evidence yet." Wilson responded that she wanted them in evidence to use against Cobb in a state bar complaint she apparently had initiated.

and convincing evidence that unlawful harassment exists, an order shall issue prohibiting the harassment." (§ 527.6, subd. (i).)

The trial court expressly found Reed "met the high burden of proof" of showing harassment by clear and convincing evidence. The appellate record is insufficient to show the trial court's findings are not supported by substantial evidence. All of Reed's witnesses testified during the morning session of the December 2 hearing, which was not reported. Without a record of those proceedings, we must presume that they support the trial court's findings. (*Estate of Fain, supra*, 75 Cal.App.4th at p. 992.) Further, the trial court stated during the afternoon session that it found Reed's witnesses more credible than Wilson or her daughter. We do not reevaluate the factfinder's credibility determinations.[11] (*Foust, supra*, 198 Cal.App.4th at p. 188.)

Accordingly, Wilson's substantial evidence challenge fails.

IV. *Wilson's Failure to Satisfy the Anger Management Condition*

Wilson contends the trial court erred in two respects in concluding she did not satisfy the anger management condition. First, she contends the court misconstrued its own order as requiring in-person (as opposed to online) anger management classes. Second, she contends the court erred in finding the provider she used was not court-approved. Neither contention has merit.

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11 This applies with equal force to Wilson's assertion that there are "additional and conflicting facts this court should review," namely "distortions and out-and-out lies" by Reed and Cobb. (Capitalization omitted.)

1. *Background*

At the December 2 hearing, the court initially made the following proposal to Wilson:

> "So I would make an offer to you today. I know that you have anger management issues. You need to work at it, and you agreed with me. You admitted to me that it's improper behavior, what you do. . . ."
>
> "If you agree to *go to* a 12-session anger management class, get a certificate that you have completed a 12-hour anger management, what I will do, I will continue the temporary restraining order for six months to allow you to complete that course. Once you complete that course, you bring the certificate here. I will dismiss the case against you."
>
> [¶] . . . [¶]
>
> "I will not make it permanent at this time. I will have it temporary so it will not have a negative effect on your future. I know you are an attorney. I know that this might affect your future, so I'm giving you a chance to try to work on your behavior so that this won't happen again."
>
> [¶] . . . [¶]
>
> "You understand that I'm giving you the benefit of the doubt. I'm trying to save your future because a permanent restraining order is not a very positive mark for an attorney to have on their record." (Italics added.)

After Wilson indicated she would accept the offer, the court orally clarified its terms as follows:

> "The Court has ordered [Wilson] to complete an anger management course. That's 12 sessions. And [Wilson] is to bring a certificate of completion by a *court-approved facility . . . or institute* that provides anger management." (Italics added.)

The court's December 2 minute order memorializes the anger management condition as follows:

> "[Wilson] agrees to *attend* 12 sessions of anger management classes and provide a certificate of completion from a *Court approved* facility. [¶] Parties also stipulate to a six month temporary restraining order." (Italics added.)

Wilson did not object to, or seek clarification of, the manner in which the court stated the anger management condition.

In concluding Wilson had not satisfied the anger management condition, the trial court explained in its June 17 minute order that what it "had in mind was for [Wilson] to *'attend'* . . . '12-sessions of anger-management classes' in-person in a 'court-approved *facility*'. " (Italics added.) But what Wilson "did was to take an on-line course (instead of the in-person course) (not clear how many sessions), and it was not with a 'court-approved facility' and provided a certificate of completion (with no signatures or stamps of [an] authorized facility)."

The court also found Wilson had not "prove[n] that the on-line course she completed was a court-approved facility." The minute order stated that the court's website identified one online anger management program, but it was tailored to family law cases and was inappropriate in this context. In any event, that was not the online course that Wilson took.

The court was not persuaded by Wilson's argument "that she is not sophisticated and did not know how to find out whether the on-line cour[se] she selected was court-approved or not." Rather, the court noted Wilson "is a very intelligent individual who is

a member of the California State Bar and a practicing attorney" who was also represented at times by her attorney-husband. The court found that Wilson "could have simply picked up the phone and called the court and asked the court clerk . . . whether the program she had selected was court-approved or not; however, [she] did not inquire."

2. *In-Person/Online*

"The meaning of a court order or judgment is a question of law within the ambit of the appellate court." (*In re Insurance Installment Fee Cases* (2012) 211 Cal.App.4th 1395, 1429.) However, " '[i]f the language of the order be in any degree uncertain, then reference may be had to the circumstances surrounding, and the court's intention in the making of the same.' " (*Id.* at pp. 1429-1430.) That is, "we may consider the opinion of the trial judge for the purpose of understanding and interpreting the judgment." (*Strohm v. Strohm* (1960) 182 Cal.App.2d 53, 63 (*Strohm*); see *Talman v. Talman* (1964) 229 Cal.App.2d 39, 43 (*Talman*) ["but more important, having been the same judge who made the prior order, he had in mind his own considerations in connection therewith"].) Considering the anger management condition independently and in light of the trial court's interpretation, we find Wilson should reasonably have known she was required to attend an *in-person* anger management course.

The court's initial proposal that Wilson "go to," and subsequent order that she "attend," an anger management course clearly indicate the court intended for Wilson to obtain *in-person* counseling. "[I]n the absence of specifically defined meaning, a court looks to the plain meaning of a word as understood by the ordinary person, which would typically be a dictionary definition." (*Hammond v. Agran* (1999) 76 Cal.App.4th 1181,

1189; see *Wasatch Property Management v. Degrate* (2005) 35 Cal.4th 1111, 1122.) The first definition of "attend" given by the Random House Unabridged Dictionary is "to be present at." (Random House Unabridged Dict. (2d ed. 1993) p. 133.) Similarly, Webster's Third New International Dictionary includes the following definition of "attend": "to be present at: go to." (Webster's Third New Internat. Dict. (2002) p. 140.) In the context of the court's order, these definitions show that the court's use of "attend" was plainly intended to communicate the expectation that Wilson *go somewhere in-person* to complete her anger management counseling.

The court's use of "facility" reinforces this expectation. The Random House Unabridged Dictionary defines "facility" as "something designed, built, installed, etc., to serve a specific function affording a convenience or service." (Random House Unabridged Dict., *supra*, at p. 690.) Similarly, Webster's Third New International Dictionary includes the following definition of "facility": "something (as a hospital, machinery, plumbing) that is built, constructed, installed, or established to perform some particular function or to serve or facilitate some particular end[.]" (Webster's Third New Internat. Dict., *supra,* at pp. 812-813.) These definitions imply a *tangible* or *physical* location—like an office or a campus—not something *intangible* or *ethereal*—like the Internet.

We thus conclude the plain meaning of "attend" and "facility" as used by the trial court in connection with the anger management condition clearly conveyed the reasonable expectation that Wilson complete *in-person* anger management counseling. This is precisely the meaning the trial court stated it intended to give these terms, which

we find persuasive. (See *Strohm, supra*, 182 Cal.App.2d at p. 63; *Talman, supra*, 229 Cal.App.2d at p. 43.)

Wilson implies that because the list of anger management programs on the trial court's website includes *one* online program, it was reasonable for her to interpret the court's order as allowing her to attend an online program. The trial court found this argument unpersuasive because the online course was a parenting program that was not suitable for this case. We agree. Moreover, the fact that the *other 51 programs* on the list are *not* online strongly supports the conclusion Wilson was required to complete in-person counseling.

Finally, we find persuasive the trial court's determination that Wilson "is a very intelligent individual who is a member of the California State Bar and a practicing attorney." If she had any question about the scope of the court's order, she could easily have contacted the court and asked.

In sum, we conclude the trial court did not err in finding that Wilson's completion of an online anger management course did not satisfy the anger management condition.

3. *Court-Approved Program*

Wilson also challenges the trial court's finding that she did not complete a *court-approved* anger management program. She asserts the program she completed was court-approved, but that the trial court moved the goalposts by announcing—only after Wilson had completed the course she selected—that she had to choose a course from the "program resource list available on the court's website." (Bold font omitted.) We are not persuaded.

First, Wilson has not shown the trial court erred by finding the program she completed was *not* court-approved. Wilson based her claim of court-approval on a purported printout from the organization's website that states its anger management course is "Accepted Nationally." The trial court was not required to accept an unauthenticated document purporting to be a third-party's unverified, self-serving claim. Moreover, the purported printout's only specific reference to the San Diego County Superior Court was to identify it as a court that is not "known to reject certificates from distance learning providers." The fact a court does not *reject* online programs in the abstract does not mean it has *approved* a specific online program.

Second, the trial court's clarification of its expectation that Wilson complete an anger management course listed on the court's website did not deny Wilson due process. The December 2 minute order required Wilson to complete a "Court approved" anger management course. The fact the trial court capitalized the letter *C* in *Court* indicates the court expected Wilson to select a course approved by *that court*. Other than the list published on the court's website, Wilson offers no criteria by which she expected the trial court to exercise its discretion in determining approval. And again, as the trial court found, if Wilson was uncertain what criteria the court intended to apply, she could easily have contacted the court for clarification.

V. *No Error Granting Reed's Unopposed Attorney Fees Motion*

Citing cases that preclude attorney fees awards to attorneys who represent themselves (*Trope v. Katz* (1995) 11 Cal.4th 274, 292) or their law firms (*Carpenter & Zuckerman, LLP v. Cohen* (2011) 195 Cal.App.4th 373, 385), Wilson argues the trial

court erred in awarding prevailing party attorney fees to Reed because Cobb is her "common law husband and father of two of the protected parties" in the restraining order and, thus, he "was there clearly representing his own interests . . . ." We are not persuaded.

First, Wilson forfeited this challenge by failing to assert it below. Reed filed a noticed motion seeking prevailing party attorney fees under the civil harassment restraining order statute. (§ 527.6, subdivision (s) ["The prevailing party in an action brought under this section may be awarded court costs and attorney's fees, if any."].) Wilson did not oppose the motion or otherwise object to the fee request. Her claim on appeal that she "objected . . . on the grounds that [the motion] was not received" is not supported by the appellate record. Consequently, she forfeited her ability to challenge the award on appeal. (*Children's Hospital & Medical Center v. Bontá* (2002) 97 Cal.App.4th 740, 776.)

Second, even if Wilson had not forfeited this challenge, it would fail on the merits because her analogy to *self-represented* attorneys or law firms is inapposite to an attorney representing a significant other. The dispositive issue in this context is whether there is an attorney-client relationship between the attorney and litigant in addition to their personal relationship. (See *Rickley v. Goodfriend* (2012) 207 Cal.App.4th 1528, 1537-1538.) " 'No formal contract or arrangement or attorney fee is necessary to create the relationship of attorney and client. It is the fact of the relationship which is important.' " (*Id.* at p. 1538.) This standard is met here. Cobb submitted a declaration in support of Reed's attorney fees motion stating he "represent[s]" Reed in this action. He also

explained the couple "lead essentially separate financial lives, and [he] consider[s] [Reed] obligated to compensate [him] for [his] legal services." This record supports the trial court's implicit finding that an attorney-client relationship existed between Reed and Cobb sufficient to justify an attorney fees award.

DISPOSITION

The judgment is affirmed. Wilson is to pay Reed's costs on appeal.

HALLER, J.

WE CONCUR:

BENKE, Acting P. J.

HUFFMAN, J.